IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 27757 of 2007(D)

PETITIONER:

GOLLINS A.L., AGED 23 YEARS,
S/O. LATE ALFRED, VALIYAVILA HOUSE,
VENGANOOR DESOM, THIRUVANANTHAPURAM.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENT:

THE COMMISSIONER OF ENTRANCE
EXAMINATIONS, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 27757 OF 2007
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Dated this the 27th day of September, 2007

J U D G M E N T

The direction sought for in this writ petition is to provide admission to the petitioner in the 5 year LLB course by giving reservation allowed to Latin Catholic other than Anglo Indian. It is the admitted case of the petitioner that in the certificate attached along with the application, the community status was shown as "Latin Catholic" while reservation is provided only for "Latin Catholic Christian other than Anglo Indian".

2. It is submitted by the petitioner that on coming to know that the certificate was incomplete, Ext.P1 representation was made enclosing Ext.P2 certificate issued by the Village Officer certifying that the petitioner belongs to the category eligible for reservation. It is on that basis that a direction is sought to the respondents for admitting him for the course.

3. On the other hand, the prospectus relied on by the petitioner itself indicates in Clause 13 that the application forms

duly filled up together with documents should reach the authorities before the time and date notified by the Commissioner for Entrance Examinations. It is further provided that late or defective applications will not be considered under any circumstances. It is also provided in Clause 13 that incomplete applications with defective or incomplete certificate will be rejected and that documents or certificates furnished after the last date fixed for receipt of applications will not be considered. It is also stated that no candidate will be permitted to incorporate any additional details in the application or to submit any additional documents after submission of the application.

4. Thus in terms of the provisions of the prospectus, any defect in the application, be it in any particulars or in the certificate, will not be allowed to be cured at a later point of time. This is a mandatory condition. This provision of the prospectus is sought to be got over by the petitioner by making reference to Clause 12(v), which provides that if candidates have any complaint, they may approach the Commissioner for Entrance

Examinations within 15 days after publication of the list and that complaints received thereafter will not be entertained. Petitioner submits that within 15 days of publication of the category list, Ext.P1 representation was made and Ext.P2 certificate was produced.

5. In my view, Clause 12(v) enable the applicants to file complaint, which necessarily mean that the application filed by the candidates should be a valid one. In this case, since the application itself is a defective one, there is no question of extending the benefit of Clause 12(v), to a candidate like the petitioner. If that be so, the mandatory provisions contained in Clause 13 of Ext.P3 will operate against the petitioner. In that view of the matter, I do not find any merit in this writ petition.

6. I also notice that terms of the prospectus have been held to be mandatory in the decisions of this court in **Sainulabdin v. State of Kerala (1995(2) KLT 629)** and **Simi Raj v. Commissioner for Entrance Examinations (1999(3) KLT 773)** and therefore the law laid down in these judgments are also against the position canvassed by the petitioner.

At this stage, petitioner submits that there is a vacancy available in the category claimed by him and that he may be directed to be considered against that vacancy. If there is such a vacancy, the petitioner may move the respondent, in which case, it is for the respondents to consider his case and take a decision in the matter, about which I do not wish to express any view.

ANTONY DOMINIC, JUDGE.

Rp